

EXHIBIT 8

1
2 UNITED STATES DISTRICT COURT
3 FOR THE SOUTHERN DISTRICT OF NEW YORK
4 -----x
5 E. JEAN CARROLL,
6 Plaintiff,
7 -against- No. 20 Civ. 7311 (LAK) (JLC)
8 DONALD J. TRUMP, in his personal
capacity
9
10 Defendant.
11 -----x

12 CONFIDENTIAL

13 DEPOSITION OF
14 LISA BIRNBACH
15 New York, New York
16 September 21, 2022

17 Reported By:

18 ERIC J. FINZ
19
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25

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2 Just to clarify, that's the
3 apartment that you previously said you
4 moved into around 1995. Correct?

5 A. Mm-hmm. Yes.

6 Q. Okay. And -- okay. And can
7 you describe the sum and substance of the
8 conversation that you had with
9 Ms. Carroll?

10 MR. CELLI: Objection to the
11 form. Describe the sum and
12 substance of the conversation. If
13 you can understand that question.

14 A. E. Jean was very agitated,
15 very hyperventilating. Emotional. And
16 she told me about what happened to her
17 just really moments before she made the
18 phone call.

19 Q. Okay. Actually I want to step
20 back for one second.

21 Was anyone else in the room
22 with you when the phone call -- when you
23 answered the phone call?

24 A. Yes, my two older children.

25 Q. And what were their ages at

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2 the time, approximately?

3 A. 5 and 2.

4 Q. And what type of phone was it
5 that you answered it on? Was it like
6 a --

7 A. A landline.

8 Q. A landline?

9 A. Mm-hmm.

10 Q. And how would you describe --
11 I believe you already gave a couple
12 descriptors. But how would you describe
13 Ms. Carroll's demeanor at the beginning
14 of the call?

15 A. Upset, hyperventilating --
16 well, that's not her demeanor. Agitated.
17 She wanted to vent.

18 Q. Was she laughing early on in
19 the call?

20 A. There was a moment that she
21 was laughing. But she was not laughing
22 funny. She was laughing excited. Highly
23 reactive.

24 Q. And can you describe what E.
25 Jean told you during the call had just

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2 happened to her?

3 MR. CELLI: Objection to the
4 form. You want her to describe
5 what was told to her or you want
6 her to testify about what she
7 remembers she was told, or
8 something else?

9 Q. Can you explain what
10 Ms. Carroll told you during the phone
11 call.

12 MR. CELLI: Objection to the
13 form.

14 You can answer.

15 A. So what she said to me.

16 Q. Right.

17 A. Lisa, you'll never believe
18 what happened to me. I had gone to
19 Bergdorf Goodman to look around after my
20 show, because she was hosting a live show
21 five days a week. And I was leaving from
22 the north door on 58th Street, which is a
23 revolving door. Guess who was going in
24 the store. It was Donald Trump. And he
25 said to me, oh, hi TV advice lady. And I

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2 said hi, Mr. Real Estate Mogul. And then
3 I guess they met on in -- she went back
4 in. And he said you're so smart, why
5 don't you help me pick out a present for
6 someone.

7 So she said I thought that was
8 fun. So I walked around the ground floor
9 of Bergdorf's with him and suggested
10 would she like a hat, would she like a
11 belt, would she like this.

12 Eventually they went upstairs.
13 They arrived to the lingerie department.
14 He pulled a body suit, and said, try this
15 on. She said no, you try this on.

16 And the next thing was they
17 were both in the dressing room together.

18 Should I continue?

19 MR. CELLI: The question was
20 what do you remember her telling in
21 that that phone call.

22 THE WITNESS: Right.

23 MR. CELLI: Have you completed
24 everything you recall from that
25 phone call?

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2 THE WITNESS: No.

3 MR. CELLI: Do you remember
4 other things that she said?

5 THE WITNESS: Yes, I do.

6 MR. CELLI: So if you need to
7 supplement that answer with what
8 you remember her saying to you,
9 that's fine.

10 THE WITNESS: She said, Donald
11 Trump pushed her against the wall.
12 She hit her head. He pinned her --
13 she tried to get free. He pinned
14 her with his body. And she said
15 many times over, he pulled down my
16 tights, he pulled down my tights.
17 She said it like she still couldn't
18 believe it. He pulled down my
19 tights, he pulled down my tights.

20 And I remember that she told
21 me that he entered her. And I
22 remember not really understanding
23 how she got free and got to the
24 street.

25 BY MR. MADAIO:

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2 Q. And did she say how long after
3 that had allegedly happened that it was
4 that she called you?

5 A. It had just happened.

6 Q. And after she -- after she
7 recounted what had allegedly occurred in
8 Bergdorf, did you advise her on how she
9 should proceed?

10 A. Yes.

11 Q. And what did you tell her?

12 A. I said, E. Jean, you've been
13 raped.

14 Q. Did you tell her she should go
15 to the police?

16 A. I did.

17 Q. To your knowledge, did she
18 follow your advice, did she ever report
19 the incident to the police?

20 A. No, she did not.

21 Q. Did you ever consider
22 reporting the alleged incident to the
23 police yourself?

24 A. Oh, no.

25 Q. Why not?

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2 A. It wasn't my story. Didn't
3 happen to me.

4 Q. And did E. Jean ever tell you
5 not to tell anybody?

6 A. Yes. In the same phone call,
7 she said, she swore me to secrecy. And
8 further said you and I will never discuss
9 this again.

10 Q. Did she give you any reason
11 why she didn't want you to speak about
12 it?

13 A. She was -- I'm sure she was --
14 no, I didn't need a reason.

15 Q. Did she give you any reason
16 why she didn't want you to speak to her
17 about it?

18 A. No. I didn't need a reason.

19 Q. And how confident are you in
20 your memory of the conversation that it's
21 accurate, the details that you recall?

22 MR. CELLI: Objection to the
23 form.

24 You can answer.

25 A. How confident? I'm confident